

Senate Resolution 636

By: Senators Seabaugh of the 28th and Weber of the 40th

A RESOLUTION

1 Creating the Senate Comprehensive Lien Law Study Committee; to create the Lien Law
2 Advisory Committee; and for other purposes.

3 WHEREAS, current Georgia laws applicable to the process of securing a valid property lien
4 or removal of a property lien are extensive, complex, and frequently produce unjust results;
5 and

6 WHEREAS, lien laws affect not only many businesses and industries but also many residents
7 of this state, and the fair application of these provisions is important to many Georgia
8 citizens; and

9 WHEREAS, there has not been in the past decade or longer a formal or comprehensive study
10 of lien laws in Georgia for the purpose of making consistent and equitable recommendations
11 for changes to these statutory provisions; and

12 WHEREAS, these laws and subsequent consequences therefrom form an essential part of the
13 foundation for real estate and construction industries in this state; and

14 WHEREAS, many questions and concerns have been raised by these industries related to the
15 application of liens and mandate a close re-examination of Georgia's lien laws; and

16 WHEREAS, many prominent associations in Georgia have developed quality
17 recommendations for improvements in Georgia's lien laws; and

18 WHEREAS, Georgia's economy generally and the real estate and construction markets
19 specifically have been negatively impacted by the continued application of outdated and
20 inequitable lien provisions; and

1 WHEREAS, in light of the above it is now time to closely scrutinize and improve Georgia's
2 lien laws.

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate
4 Comprehensive Lien Law Study Committee to be composed of five members of the Senate
5 to be appointed by the President of the Senate. The President of the Senate shall designate
6 a member of the committee as chairperson of the committee. The chairperson shall call all
7 meetings of the committee.

8 BE IT FURTHER RESOLVED that the committee shall undertake a study of Georgia's lien
9 laws generally and the application of these laws to Georgia's businesses and the citizens of
10 this state to ensure that business interests are properly protected and that persons involved
11 in the lien process are treated fairly and equitably. The committee shall make
12 recommendations for changes in legislation and shall provide copies of proposed legislation
13 to be prepared by the Office of Legislative Counsel and shall recommend any other action
14 or make such report which the study committee deems appropriate.

15 BE IT FURTHER RESOLVED that there is created a Lien Law Advisory Committee,
16 consisting of one member from each of the following entities: Construction Suppliers
17 Association, Georgia Association of Auctioneers, Mortgage Brokers Association of Georgia,
18 Council for Quality Growth, Home Builders Association of Georgia, Associated Builders and
19 Contractors Association of Georgia, Georgia Associated General Contractors, Georgia Utility
20 Contractors Association, Georgia Engineering Alliance, Georgia Manufactured Housing
21 Association, Atlanta Apartment Association, Georgia Apartment Association, Georgia
22 Highway Contractors Association, Building Owners and Managers Association, Georgia
23 Real Estate Investors Association, Mortgage Bankers Association of Georgia, Independent
24 Electrical Contractors, Georgia Concrete Association, Georgia Association of Realtors, and
25 Georgia Trial Lawyers Association. The chairperson of the Lien Law Advisory Committee
26 shall be selected by the chairperson of the Senate Comprehensive Lien Law Study
27 Committee. The Lien Law Advisory Committee shall assist the study committee, as
28 requested, in gathering information, preparing briefing documents, preparing
29 recommendations, and evaluating proposed recommendations. The Lien Law Advisory
30 Committee may be divided into subcommittees at the discretion of the advisory committee
31 chairperson.

32 BE IT FURTHER RESOLVED that the study committee may conduct such meetings at such
33 times and in such places as it may deem necessary or convenient to enable it to exercise fully

1 and effectively its powers, perform its duties, and accomplish the objectives and purposes
2 for this resolution. The legislative members of the study committee shall receive the
3 allowances authorized for legislative members of interim committees but shall receive the
4 same for not more than five days unless additional days are authorized. The funds necessary
5 to carry out the provisions of this resolution shall come from funds appropriated to the
6 Senate. No allowance shall be paid for members of the advisory committee. In the event the
7 study committee makes a report of its findings and recommendations, with suggestions for
8 proposed legislation, if any, such report shall be made before December 31, 2007. The study
9 committee shall stand abolished on January 31, 2008.